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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

App. No. : 10/005,797
Applicant : MICKE et al.
Filed: : November 2, 2001
TC/A.U. : 3643
Examiner: : Price, Richard Thomas Jr.
Docket No. : 3957-8-DIV
Customer No. : 22442
Title: : "METHOD AND APPARATUS FOR REMOVING OBSTRUCTIONS IN MINES"

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I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

TYPED OR PRINTED NAME: Amy S. Duarte

SIGNATURE: *Amy S. Duarte*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In an Office Action dated November 29, 2004 (Paper No. 20041124), the Examiner issued a Restriction Requirement with regard to the above-identified patent application. Generally, the Examiner indicated that Species I (flat nose) and Species II (concave nose) were distinct inventions. Applicants hereby elect to prosecute Species I (Claims 1-7 and 38-48) in this patent application. Currently, independent claims 1 and 40 are generic. Applicant disagrees with the Examiner's statement that there are no generic claims. Claims 1 and 40 clearly recite Species I and II as alternatives. However, Applicants respectfully reserve the right to pursue Claims Species II in a subsequent divisional/continuation application. Although the Applicant believes that no fees are due for filing this Response, please charge any fees deemed necessary to Deposit Account No. 19-1970.

Respectfully submitted,

SHERIDAN ROSS P.C.

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Date: Dec. 23, 2004